

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Nicholas J. Cremona  
Jonathan New  
Robertson Beckerlegge

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ZIESES INVESTMENT PARTNERSHIP,  
MARSHALL ZIESES, DEBRA S. ZIESES, NEIL  
R. ZIESES, CARYN ZIESES, BARRY INGER,  
ALLAN INGER, SUSAN B. ALSWAGER,

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04669 (SMB)

Defendants.

**NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), ECF. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 1, 2010 [ECF. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on November 3, 2015, the Trustee filed with this Court the Notice of Mediation Referral [ECF. No. 36], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation prior to or upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Jeffrey Rich, from the law firm of Rich Michaelson Magaliff Moser, LLP, to act as Mediator in this matter. The Parties further agree to set a date for the mediation as soon as practicable after this Notice of Mediator Selection is filed with the Court.

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude by February 9, 2016, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York  
November 18, 2015

/s/ Nicholas J. Cremona

Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com  
Robertson Beckerlegge  
Email: rbeckerlegge@bakerlaw.com  
Jonathan New  
Email: jnew@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*

/s/ Helen Davis Chaitman

Chaitman LLP  
465 Park Avenue  
New York, NY 10022  
Telephone: (888) 759-1114  
Helen Davis Chaitman  
Email: hchaitman@chaitmanllp.com  
Leslie Treff  
Email: ltreff@chaitmanllp.com

*Attorneys for Defendants Zieses Investment  
Partnership, Marshall Zieses, Debra S. Zieses,  
Neil R. Zieses, Caryn Zieses, Barry Inger,  
Allan Inger, Susan B. Alswager*